

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

REGINALD DEAN #1165742

§

v.

§ CIVIL ACTION NO. 6:06cv156

TDCJ-CID, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Plaintiff Reginald Dean, proceeding *pro se*, filed this lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Dean sought injunctive relief to prevent the taking of his legal documents. On April 24, 2006, the Magistrate Judge issued a Report recommending that the lawsuit be dismissed without prejudice because Dean failed to exhaust his administrative remedies. On May 5, 2006, Dean filed objections to the Report, conceding that he had not exhausted his administrative remedies but arguing that he is entitled to injunctive relief nonetheless. These objections are without merit. Porter v. Nussle, 534 U.S. 516, 532 (2002).

The Court has conducted a careful *de novo* review of the pleadings and documents in this case, including the Plaintiff's complaint, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such *de novo* review, the Court has concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Plaintiff's objections are overruled and the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to exhaust administrative remedies. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

SIGNED this 29th day of June, 2006.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE